

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.  
500 Water Street  
Jacksonville, FL 32202-4423

Plaintiff

v.

PORT ERIE PLASTICS, INC.  
909 Troupe Road  
Harborcreek, PA 16421

Defendant.

CIVIL ACTION

CASE NO. 05-139 Erie

**APPENDIX TO CSX TRANSPORTATION, INC.'S  
MEMORANDUM OF LAW IN RESPONSE  
TO DEFENDANT PORT ERIE PLASTIC INC.'S  
MOTION FOR SUMMARY JUDGMENT**

| Exhibit | Description   |
|---------|---|
| A       | 8 page fax from Johnson to Parks; 6/15/05   |
| B       | Letter from attorney Howard to attorney Parks; 11/15/05   |
| C       | Letter from attorney Stroupe to attorney Howard; 2/23/06 and emails exchanged between attorney Howard and attorney Parks; 1/17/06 and 1/19/06 |
| D       | Excerpts from Deposition of John Underwood  |
| E       | Excerpts from Deposition of Steve Bartosik  |